

Message Text

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ACTION EUR-12

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FM AMEMBASSY LISBON

TO AMCONSUL PONTA DELGADA PRIORITY

INFO SECSTATE WASHDC 0397

COMUSFORAZ LAJES FLD AZORES

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E.O. 11652: N/A

TAGS: PINT, SOCI, PO

SUBJ: AZORES: REGIONAL ASSEMBLY DECREE AFFECTING LAJES

PERSONNEL

SUMMARY: CONSTITUTIONAL COMMISSION AND REVOLUTIONARY COUNCIL HAVE DECLARED NOT UNCONSTITUTIONAL AN AZOREAN DECREE WHICH EXEMPTS CONTRACTS WITH FOREIGNERS FROM RENT CONTROL. DECREE WAS PASSED WITH US LAJES PERSONNEL IN MIND. EMBASSY REQUESTS AMCONSUL PONTA DELGADA REPORT ON IMPLEMENTATION, EFFECT ON US PERSONNEL, AND ATTITUDE OF REGIONAL GOVERNMENT.

1. CONSTITUTIONALITY OF DECREE: AS AMCONSUL PONTA DELGADA AWARE, NOV 24, 1976 REGIONAL ASSEMBLY DECREE EXEMPTS CONTRACTS WITH FOREIGNERS FROM RENT CONTROL. EMBASSY SOURCES, INCLUDING THE MINISTER OF THE REPUBLIC FOR THE AZORES, HAD SAID THAT LEGISLATION WAS PROBABLY UNCONSTITUTIONAL. HOWEVER, THE CONSTITUTIONAL COMMISSION (CC) DECIDED NOT TO DECLARE THE DECREE UNCONSTITUTIONAL, AND THE COUNCIL OF THE REVOLUTION (RC) IN RESOLUTION 48/77 OF FEB 9, 1977, RATIFIED THE CC DECISION.

2. BACKGROUND ON CC DECISION: ON MAR 1, EMBOFF SPOKE WITH LIMITED OFFICIAL USE

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CONSTITUTIONAL COMMISSION MEMBER JORGE MIRANDA TO GET BACKGROUND ON CC RULING. MIRANDA SAID DECISION ON THIS MATTER REFLECTED COMMISSION'S POLICY OF CONSTITUTIONAL RESTRAINT. CC HAD ENCOUNTERED SUBSTANTIAL AMOUNT OF DEFECTIVE LEGISLATION, BUT POLICY OF CC WAS TO AVOID CONFRONTATION ON CONSTITUTIONAL ISSUES IN ORDER NOT TO CAUSE PROBLEMS FOR THE GOVERNMENT. THE SAME POLICY APPLIES TO THE REGIONAL GOVERNMENT. IN

ADDITION, MIRANDA NOTED THAT CONSTITUTION DOES NOT NECESSARILY BAR DISCRIMINATORY LEGISLATION AGAINST FOREIGNERS. IN ANY CASE, RULING WAS MADE ON NARROW ISSUE OF COMPETENCE OF REGIONAL GOVERNMENT TO PASS THE DECREE. THE CC/RC RULING DOES NOT PREVENT DECREE FROM BEING CHALLENGED IN COURTS ON OTHER GROUNDS.

3. ACTION REQUESTED: EMBASSY UNDERSTANDING, BASED ON DISCUSSIONS WITH COMUSFORAZ AND AMCONSUL, IS THAT DECREE WAS PASSED WITH RENTAL CONTRACTS OF US LAJES PERSONNEL IN MIND. THEREFORE, EMBASSY REQUESTS AMCONSUL PONTA DELGADA, IN CONSULTATION WITH COMUSFORAZ, REPORT ON STATUS OF IMPLEMENTATION OF DECREE, NUMBER OF LAJES PERSONNEL WHO WOULD BE AFFECTED, AND WHETHER LANDLORDS HAVE MOVED TO RAISE RENTS. YOU SHOULD CONSULT WITH REGIONAL PRESIDENT MOTA AMARAL AND, POSSIBLY, REGIONAL ASSEMBLY PRESIDENT MONJARDINO TO ASCERTAIN THE POSITION OF THE REGIONAL GOVERNMENT ON THE LEGISLATION. OUR UNDERSTANDING IS THAT BILL WAS NOT REGIONAL GOVERNMENT INITIATIVE. DOES REGIONAL GOVERNMENT PLAN TO LET DECREE STAND? YOU SHOULD ALSO QUIETLY MAKE AZOREAN AUTHORITIES AWARE OF OUR CONCERN OVER APPARENT DISCRIMINATORY NATURE OF THE DECREE.
OKUN

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Message Attributes

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